

**BEFORE
THE OHIO POWER SITING BOARD**

In the Matter of the Application of **Guernsey
Power Station, LLC** for a Certificate of
Environmental Compatibility and Public Need for)
an Electric Generation Facility in Guernsey) Case No. 16-2443-EL-BGN
County, Ohio)

MOTION FOR WAIVERS

Guernsey Power Station, LLC (“Applicant”), pursuant to Ohio Administrative Code (“OAC”) Rules 4906-3-03 and 4906-2-27(C), respectfully moves the Ohio Power Siting Board (“Board”) to grant the following waivers on an expedited basis:

From providing an extensive site selection study to the extent that Applicant is not able to describe all the specific information listed in the site selection criteria as set forth in OAC Rule 4906-4-04(A) and (B); and

Further support for these waiver requests is set forth in the Memorandum in Support below.

MEMORANDUM IN SUPPORT

I. BACKGROUND

Guernsey Power Station, LLC (“Applicant”) proposes to construct natural gas fired combined cycle power station for generating capacity of 1,650 megawatts (“MW”) in Valley Township, Guernsey County, Ohio to be known as the Guernsey Power Station. The project will consist of three units in a single shaft configuration, each using both a gas and steam turbine. It

will use air cooled technology. The plant will be served by natural gas from one or multiple pipelines. The generating station will be interconnected to a 765 kV transmission line on the project site. Construction of the project is estimated to begin in the first quarter of 2018, with projected commercial operation to begin in the third quarter of 2020. Applicant is seeking a waiver from certain requirements of Ohio Revised Code Section ('R.C.") 4906.06, and OAC Chapter 4906-4 governing electric power generating stations.

II. EXPEDITED RULING – OAC Rule 4906-2-27(C)

An expedited ruling on this Motion is required in order for Applicant to complete an application in conformance with the applicable requirements in OAC Chapter 4906-13. Applicant plans to file its application in approximately four weeks. Meeting this filing date is necessary to allow Applicant to begin construction on schedule. A long period of time is required after a certificate is issued for the project construction activities. The completed facility is projected to commence commercial operation by mid-2020.

As set forth in this waiver request, and as will be evident in the application itself, Applicant has conducted the requisite analyses and studies and optioned the site so that Applicant can meet its schedule. For these reasons, Applicant asks that the review of its waiver requests be undertaken on an expedited basis and urges the Board or Administrative Law Judge to decide this Motion on that basis.

III. WAIVER REQUEST

A. OAC Rule 4906-4-04(A) and (B): Waiver of an Extensive Site Selection Study

OAC Rule 4906-4-04 contemplates extensive detail in a site selection study. Applicant will be providing a description of the project boundary; the rationale for selecting the site; a map of the project area; a list and description of qualitative siting criteria, constraints and a constraint map. Applicant is aware that there is no approved form for a site selection study used in Chapter

4906-13 of the Board's rules. Applicant engaged in a site selection process that, while it may not have been in exactly the same manner as contemplated by the rule, did consider most, if not all of the items listed in the rule in order to assure that the proposed site met its criteria. Thus, Applicant believes it is appropriate for the Board to grant a waiver from filing an extensive site selection study. Especially in light of the Ohio Supreme Court decision in *In re Application of Middletown Coke Company* (2010), 127 Ohio St. 3d 348; 939 N.E.2d 1210, Applicant will provide sufficient information to support a finding that the site represents the minimum adverse environmental impact pursuant to R.C. 4906.10 (A)(3).

This waiver request is not novel: waivers from a nearly identical rules, OAC Rule 4906-17-04 and from OAC Rule 4906-13-03 in generation cases, have been granted recently in a number of wind cases. *See, Buckeye Wind LLC*, Case No. 08-666-EL-BGN (Entry dated July 31, 2009) (hereinafter "*Buckeye Wind*"); *Hardin Wind Energy LLC*, Case No. 09-479-EL-BGN (Entry dated July 17, 2009) (hereinafter "*Hardin Wind*"); *JW Great Lakes Wind, LLC*, Case No. 09-277-EL-BGN (Entry dated September 18, 2009) (hereinafter "*JW Great Lakes*"); *Heartland Wind, LLC*, Case No. 09-1066-EL-BGN (Entry dated December 11, 2009) (hereinafter "*Blue Creek*"); *Paulding Wind Farm LLC*, Case No. 09-980 (Entry dated February 23, 2010) (hereinafter *Paulding*) and Case No. 10-369-EL-BGN (Entry dated June 21, 2010) (hereinafter "*Paulding Wind II*"); *Black Fork Wind Energy LLC*, Case No. 09-546-EL-BGN (Entry dated October 1, 2009) (hereinafter *Blackfork*) and Case No. 10-2865-EL-BGN (Entry dated May 3, 2011) (hereinafter "*Blackfork II*"); *Glacier Ridge Wind Farm, LLC*, Case No. 11-902-EL-BGN (Entry dated April 6, 2011) (hereinafter "*Glacier Ridge*"); *Ashtabula Wind*, Case No. 11-2400-E-BGN (Entry dated June 22, 2011) (hereinafter "*Ashtabula*"); *Leipsic Wind*, Case No. 11-3676-EL-BGN (Entry dated July 25, 2011) (hereinafter "*Leipsic*"); *Honey Creek*, Case No. 11-

4886-EL-BGN (Entry dated November 1, 2011) (hereinafter "*Honey Creek*"); Oregon Clean Energy, LLC, Case No. 12-2959-EL-BGN (Entry dated December 5, 2012) (hereinafter "*OCE*"); Northwest Ohio Wind Energy, Case No. 13-197-EL-BGN (Entry dated April 10, 2013) (hereinafter "*Northwest*"); Carroll County Energy, LLC, Case No. 13-1752-EL-BGN (Entry dated January 16, 2014); NTE Ohio, LLC, Case No. 14-534-EL-BGN (Entry dated November 24, 2014) (hereinafter "*NTE*"); and Clean Energy Future-Lordstown LLC, Case No. 14-2322-EL-BGN (Entry dated January 23, 2015) (hereinafter "*CEFL*"). Assuming that Applicant files the site selection information as proposed above, Applicant requests a waiver to the extent that each specific factor in OAC Rule 4906-4-04 (A) and (B) is not met.

WHEREFORE, Applicant respectfully requests that the Board waive the requirements set forth above and grant such other and further relief to which it may be entitled.

Respectfully submitted on behalf of
GUERNSEY POWER STATION, LLC



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This foregoing document was electronically filed with the Public Utilities

Commission of Ohio Docketing Information System on

12/27/2016 3:34:15 PM

in

Case No(s). 16-2443-EL-BGN

Summary: Motion for Waivers pursuant to Ohio Administrative Code Rules 4906-3-03 and 4906-2-27(C) electronically filed by Teresa Orahod on behalf of Sally W. Bloomfield